

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALAA AL-SADAWI,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
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NICHOLAS G. GARAUFIS, United States District Judge.

ORDER

08-CV-549 (NGG)

By memorandum and order dated March 11, 2011, the court dismissed three of Petitioner Alaa Al-Sadawi's claims for habeas relief under 28 U.S.C. § 2255. (Docket Entry # 19.) Specifically, the court concluded that "Al-Sadawi's claims of ineffective assistance of trial counsel, ineffective assistance of appellate counsel for not raising an ineffective assistance of trial counsel claim, and improper detention prior to trial do not warrant habeas relief." (*Id.* at 8.) Al-Sadawi raised two further claims, both relating only to sentencing. (*Id.* at 6.) First, he claimed that he was denied his constitutional right to the effective assistance of appellate counsel due to appellate counsel's failure to argue for resentencing. (*Id.*) Second, he claimed that government misrepresentations at his bail hearings resulted in the imposition of an enhanced sentence. (*Id.*) Because Al-Sadawi was released from federal custody in February 2010, the court concluded that these claims were presumptively moot. (*Id.* at 6-8.) The court stated that these remaining claims would be dismissed unless Al-Sadawi, within thirty days of the March 11, 2011 order, filed a submission with the court demonstrating "a concrete and identifiable injury he continues to suffer as a result of the length of his already-served sentence." (*Id.*)

Al-Sadawi has not filed a submission demonstrating such an injury and the time to do so has passed. Accordingly, Al-Sadawi's remaining claims challenging only the length of his

sentence are dismissed, and his petition for habeas relief is denied in its entirety. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
April 29, 2011

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge